

**BENCHMARK SURVEY
OF FOREIGN DIRECT
INVESTMENT IN THE
UNITED STATES — 1997**

**CLAIM FOR EXEMPTION FROM FILING
BE-12(LF), BE-12(SF), OR BE-12 BANK**

**MAIL
REPORTS
TO**

**U.S. Department of Commerce
Bureau of Economic Analysis
BE-49(A)
Washington, DC 20230**

**DELIVER
REPORTS
TO**

**U.S. Department of Commerce
Bureau of Economic Analysis
BE-49(A)
Shipping and Receiving
Section M100
1441 L Street, NW
Washington, DC 20005**

A single original copy of this report shall be filed with the Bureau of Economic Analysis; this should be the copy with the address label, if such a labeled copy has been provided.

INSTRUCTIONS

Response required — The publication in the Federal Register of the notice implementing this survey is considered legal notice to covered U.S. business enterprises of their obligation to report. Therefore, a response is required for each U.S. business enterprise that was a U.S. affiliate of a foreign person at the end of the business enterprise's 1997 fiscal year, whether or not they are contacted by BEA. Also, a person or their agent, contacted by BEA concerning their being subject to reporting, either by sending them a report form or by written inquiry, must respond in writing pursuant to Section 806.4 of 15 CFR, Chapter VIII. A response is defined as completion and return of Form BE-12(LF), Form BE-12(SF), or Form BE-12 BANK, if applicable, by May 31, 1997, or of this Form BE-12(X) within 30 days of its receipt, if the U.S. business enterprise is exempt from filing.

A U.S. affiliate is a U.S. business enterprise in which one foreign person owned or controlled, directly or indirectly, 10 percent or more of the voting securities if an incorporated U.S. business enterprise, or an equivalent interest if an unincorporated U.S. business enterprise. *See the **Instruction Booklet** for other definitions and reporting requirements.*

Consolidated reporting — A U.S. affiliate shall file on a fully consolidated basis, including in the full consolidation all other U.S. affiliates in which it directly or indirectly owns more than 50 percent of the outstanding voting securities. The fully consolidated entity is considered to be one U.S. affiliate. See **Instruction Booklet**, page 7. Reporting criteria are applied to the consolidated entity.

Aggregation of real estate investments — All real estate investments of a foreign person must be aggregated for the purpose of applying the reporting criteria. A single report form must be filed to report the aggregate holdings, unless permission has been received from BEA to do otherwise. Those holdings not aggregated must be reported separately. See **Instruction Booklet**, pages 5 and 9.

Fiscal year — The U.S. affiliate's 1997 fiscal year is defined to be the affiliate's financial reporting year that has an ending date in calendar year 1997.

Assistance — Telephone (202) 606-5577 during office hours – 8:30 a.m. to 4:30 p.m. eastern time.

NOTE — 18 U.S.C. 1001 (Crimes and Criminal Procedure) makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction. Any officer, director, employee, or agent of any corporation who knowingly participates in a willful failure to report, upon conviction, may be punished by a fine, imprisonment, or both (22 U.S.C. 3105).

BEA USE ONLY

Control number

Public reporting burden for this claim for exemption is estimated to vary from 15 to 45 minutes per response, with an average of 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230, and to the Office of Management and Budget, Paperwork Reduction Project 0608-0042, Washington, DC 20503.

MANDATORY — This survey is being conducted pursuant to the International Investment and Trade In Services Survey Act (P.L. 94-472, 22 U.S.C. 3101—3108, as amended by P.L. 98-573 and P.L. 101-533 — hereinafter "the Act"), and the filing of reports is mandatory pursuant to Section 5(b)(2) of the Act (22 U.S.C. 3104).

CONFIDENTIALITY — The Act provides that your report to this Bureau is CONFIDENTIAL and may be used only for analytical or statistical purposes. Without your prior written permission, the information filed in your report CANNOT be presented in a manner that allows it to be individually identified. Your report CANNOT be used for purposes of taxation, investigation, or regulation. Copies retained in your files are immune from legal process.

IDENTIFICATION OF U.S. AFFILIATE

A. Name and address of U.S. business enterprise for which this claim is filed – If the business enterprise received a prelabeled Form BE-12(LF), Form BE-12(SF), or Form BE-12 BANK, enter in the blocks below the name, address, and BEA Identification Number from the label affixed to Part 1, item 1, of that form; skip a single block between words. If a prelabeled form was not received, enter name and address as contained on letter transmitting the report forms to you, indicating any changes or corrections.

Name of U.S. affiliate

10021

c/o (care of)

10101

Street or PO Box

10031

City and State

10041

ZIP CodeForeign Postal Code

10051OR2

B. Enter Employer Identification Number(s) used by the U.S. business enterprise to file income and payroll taxes.

PrimaryOther

10061–2

Complete item 1 or item 2 (on back), whichever is applicable.

1. ☐ This U.S. business enterprise was a U.S. affiliate of a foreign person at the end of its 1997 fiscal year, but is exempt from filing a Form BE-12(LF), Form BE-12(SF), or Form BE-12 BANK because, on a fully consolidated, or in the case of real estate investments, an aggregated basis, each of the following three items for the U.S. affiliate (not the foreign parent's share) did not exceed \$3 million (positive or negative) at the end of, or for, its 1997 fiscal year:

- a. Total assets (do not net out liabilities)
- b. Sales or gross operating revenues, excluding sales taxes, and
- c. Net income after provision for U.S. income taxes.

		Amount			
		Bil.	Mil.	Thous.	Dols.
Enter value or amount for each of the following four items.		1			
Total assets at close FY 1997— <i>Do not net out liabilities.</i>	2109	\$			
Sales or gross operating revenues for FY 1997, excluding sales taxes — <i>Do not give gross margin.</i>	2149	1			
Net income (loss) for FY 1997, after provision for U.S. income taxes	2159	1			

Also complete the following.

Country of foreign parent

Country of ultimate beneficial owner — *See **Instruction Booklet**, page 6.*

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If item 1 is marked — *No Form BE-12(LF), Form BE-12(SF) or Form BE-12 BANK must be filed at this time. However, this Form BE-12(X), including the certification below, must be filed within 30 days of the date it was received.*

If this claim for exemption is disallowed, the original due date of the BE-12 remains in force.

PENALTIES — Whoever fails to report shall be subject to a civil penalty of not less than \$2,500, and not more than \$25,000, and to injunctive relief commanding such person to comply, or both. Whoever willfully fails to report shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violations, upon conviction, may be punished by a like fine, imprisonment or both. (22 U.S.C. 3105)

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

PERSON TO CONSULT CONCERNING QUESTIONS ABOUT THIS REPORT — Enter name and address

Name10001

Address

TELEPHONE NUMBER10011Area code2Number3Extension

FAX NUMBER4Area code5Number

CERTIFICATION — The undersigned official certifies that this report has been prepared in accordance with the applicable instructions, is complete, and is substantially accurate except that, in accordance with III.M. of the **Instruction Booklet**, estimates have been provided where data are not available from customary accounting records or precise data could not be obtained without undue burden.

Authorized official's signature

Print or type name and titleDate

2. This U.S. business enterprise is exempt from filing a Form BE-12(LF), Form BE-12(SF), or Form BE-12 BANK because:

- (a) ☐ This U.S. business enterprise was not a U.S. affiliate of a foreign person at any time during its 1997 fiscal year but had been a U.S. affiliate of a foreign person at some time between January 1, 1992 and the beginning of its 1997 fiscal year.
- Give date foreign ownership ceased or went below 10 percent.*

	Month		Year	
7010	1			

- (b) ☐ This U.S. business enterprise was not a U.S. affiliate of a foreign person at any time during its 1997 fiscal year and was not a U.S. affiliate of a foreign person at any time since January 1, 1992.

- (c) ☐ This U.S. business enterprise was a U.S. affiliate of a foreign person during its 1997 fiscal year but is fully consolidated into the BE-12 report for another U.S. affiliate — *In the blocks below, give name, address, and BEA Identification Number of the consolidated U.S. affiliate that is reporting to BEA (skip a single block between words):*

Name

[illegible]

Street or P.O. Box

[illegible]

City and State

ZIP Code

[illegible]

BEA Identification Number

7011	1					
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- (d) ☐ This U.S. business enterprise is exempt from filing because its owners are citizens of the United States who are resident abroad as a result of official employment by the U.S. Government (including the immediate family of such persons), or its owners have been and expect to be resident abroad for less than one year.

- (e) ☐ This U.S. business enterprise was a U.S. affiliate of a foreign person at the beginning of its 1997 fiscal year, but ceased to be a U.S. affiliate before the end of its 1997 fiscal year.

Give date foreign ownership ceased or went below 10 percent.

	Month		Year	
7012	1			

- (f)** ☐ This U.S. business enterprise is a U.S. affiliate of a foreign person, but it became a U.S. affiliate after the end of the U.S. business enterprise's 1997 fiscal year. *Complete items (1) and (2) below.*

(1) Give date when the U.S. business enterprise became a U.S. affiliate of a foreign person, *and*

	Month		Year	
7013	1			

(2) Give the ending date of the U.S. business enterprise's 1997 fiscal year. See **Instruction Booklet**, page 6.

		Month		Year	
7014	1				

Note that a Form BE-13 should have been filed to reflect the acquisition.

If item 2(a), (b), (c), (d), (e), or (f) is marked — No Form BE-12(LF), Form BE-12(SF), or Form BE-12 BANK must be filed at this time. However, this Form BE-12(X), including the certification at the bottom of page 1, must be filed within 30 days of the date it was received.

If this claim for exemption is disallowed, the original due date of the BE-12 remains in force.